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Subject: RI/FS Agreement Summary
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On February 6, 2009, the LWG submitted a summary of the resolution of RI/FS issues. This list was based on EPA comments submitted on the Round 2 Report and represents the culmination of efforts to reach agreement on the procedures to be followed during the preparation of the draft RI and baseline risk assessment reports. EPA has identified issues where there appears to be a discrepancy in what was agreed upon, where further clarification is required and where additional resolution will take place through the FS process. Issues that have not been identified below are considered resolved. Clearly, further discussion regarding items 4 and 12 below are required.

Discrepancy:

Issue number 4 - The language presented in the table does not match EPA's understanding. Consistent with the problem formulation, EPA requires evaluation of TZW relative to water TRVs in the BERA. This is more than a screening step as described here. Evaluation of TZW relative to water TRVs is considered a line of evidence for the BERA for which a hazard quotient should be calculated. EPA agrees that the pore water ventilation fraction may be addressed in the uncertainty section.

Issue number 12 - The language presented in the table does not match EPA's understanding. EPA did not agree that the evaluation of TZW as a source of contaminants in biota is no longer required. EPA agreed to rely primarily on tissue data for the evaluation of human health risks in the HHRA. However, EPA also requires the evaluation of TZW relative to fish consumption AWQC as a line of evidence in the HHRA and for the purpose of evaluating the contribution of TZW to biota tissue.

Clarification Required:

Issue number 7 - The LWG should confirm that the refined screen for the evaluation of effects on the benthic community will be based on a point by point comparison and not the 95% UCL of the site-wide average. This is consistent with the problem formulation for the ecological risk assessment. Any estimation of exposure point concentrations (EPCs) in the refined screen must match the scale of the receptor.

Issue number 11 - Based on the language presented in the table, it is unclear whether the LWG will be screening TZW against EPA Region 6 tap water PRGs (Regional Screening Levels) and MCLs. The LWG should confirm that TZW should be screened against tap water PRGs and MCLs.

Issue number 22: The LWG should clarify which data falls into which data set (e.g., site wide vs. RM 1 - 2). A table listing samples to be included in the RM 1 - 2, upper Multnomah Channel and RM 11.8 - 12.2 data sets should be provided.

Issue number 26: The LWG state that background concentrations will be estimated as directed by EPA on 9/19/2009. However, the table also states that a second set of background values will be developed without exclusion of statistical outliers unless

EPA provides credible evidence that the outliers are affected by specific CERCLA-like sources(s). The LWG should clarify how this second set of background values will be presented and what is meant by "EPA provides credible evidence." Please note that EPA and DEQ agreed to investigate potential sources in the vicinity of statistical outlier clusters.

Issue number 31: Use of FPM to set SQVs: There are number of questions about application of the FPM which are not completely resolved. These include which COIs are to be modeled, acceptability parameters and how best professional judgement will be applied. It may be useful to schedule a check-in on the application of the predictive models to facilitate agency review of the Portland Harbor RI and BRA.

Issue number 38: EPA agreed to not include the breast feeding scenario in the draft HHRA. Pending resolution of this scenario, it will be included in the final HHRA.

Issue number 50: The LWG should clarify that after the range is evaluated, the best performing degradation rate will be used.

Issue number 55: The LWG should clarify that use of 1/2 the detection limit to represent non-detect values detected at least once applies on a media specific basis.

Issue number 57: The language in the table does not provide sufficient detail regarding which samples will be included in the background surface water data set. The LWG should clarify that the agreement was to use data from RM 16 and consider data from RM 11 (not including east side) in the evaluation of upstream surface water concentrations.

Resolved Subsequent to February 6, 2009 RI/FS Issue Summary:

Issue number 16: Upland Site Summary Issues: This issue is resolved per EPA email dated 3/9/2009

Issue number 29: TRVs are resolved per LWG letter dated March 5, 2009.

Issue number 45: Development of AOPCs will proceed as planned culminating with AOPC check-in on May 27 and 28.

Issue number 51: There appears to be agreement regarding the need to consider upland sources of contamination in the CSM (connect the dots). During the February 11, 2009 management meeting, it was agreed that a strict screening of upland data will not be performed but that a semi-quantitative evaluation of the magnitude of upland contamination will be presented in the RI and that a quantitative evaluation would be performed in the FS.

Issue letter A: Pipeshed information: EPA understand that the City of Portland has provided sufficient pipeshed information for this issue to be resolved.

Unresolved - to be resolved through future FS discussions:

Issue letter E: Evaluation of TZW in context of in-water remedy and upland source control measures. Point of compliance issues aside, this is really a question of how the FS will consider the effectiveness of source control.

Issue number 8: Application of WOE: This will need to be addressed through the early RI and BRA review and FS scoping steps.

Issue number 27: Hilltopping Replacement Values: AOPC Check-in. Use of GIS tool will allow a range of values to be considered (e.g., background, baseline, sediment trap results, upper study area bedded sediments, etc.)

Issue number 39: Schedule and PRGs: EPA acknowledges that the overall project schedule is still under discussion. However, EPA understands that the schedule presented in the most recent FS Milestone table remains valid.

Issue number 41 - Benthic Toxicity PRGs: This will be addressed through the scheduled AOPC Check-in. Feeds into the WOE evaluation.

Issue number 42: Fish and Shellfish SWAC goals and hilltop values: This will be addressed through the scheduled AOPC Check-in.

Issue number 43: Surface Water PRGs: This will be addressed through the RAO and ARAR POC discussion.

Issue number 44: TZW PRGs: This will be addressed through the RAO and ARAR POC discussion.

Issue number 52: AWQC as PRGs and/or ARARs: This will be addressed through the RAO and ARAR POC discussion.

Issue number 59: Comparison of background distributions: This will be addressed through the scheduled AOPC Check-in.

Thanks, Eric